

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM BULLARD,

Defendant.

2:10-cr-0374-LDG-PAL

ORDER

The matter before the court is the defendant's Motion to Allow Defense to Redact Portions of the Psychological Report Prior to Turning It over to the Prosecution (#11). The court has considered the motion, the defendant's Motion in Response to Court's Request to Brief the Issue (#17), and the government's Response to Court's Request for Briefing and Request for Order to Compel Disclosure of Psychological Report (#18).

At the government's request, the court ordered the defendant to submit to a psychological evaluation to determine whether the defendant's pretrial release would endanger the community. On Fifth Amendment grounds, the defendant seeks an order precluding the government from using against the defendant at trial or sentencing any of the statements he made to the psychologist during the evaluation. The government wishes to see an unredacted copy of the psychologist's report in order to assert an informed position regarding the defendant's potential danger to the community if continued on pretrial release.

The psychological evaluation was done and the report was prepared for the sole purpose of assessing the defendant's potential danger if continued on release. Without an unredacted copy of the report, the government's ability to fairly address the very issue that prompted the court to order the

1 report would be weakened. On the other hand, the defendant's Fifth Amendment concern over any
2 other use of the report that the government might wish to make does, in the undersigned's view, raise
3 a substantial question.

4 Whether the government would be allowed to use the report against the defendant at trial or
5 sentencing is not a question that the undersigned, who is not otherwise assigned to this case, would be
6 called upon to address. The undersigned's involvement in this case is limited to issues of release and
7 detention. The sole issue properly before the undersigned is whether the psychologist's report should
8 be provided to the government unredacted. For the limited purpose for which the court ordered such
9 a report to be prepared, clearly it should.

10 IT IS THEREFORE ORDERED that the defendant shall forthwith provide the government with
11 an unredacted copy of Dr. John Paglini's Report of Psychological Evaluation

12 DATED this 21st day of September, 2010.

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14 **LAWRENCE R. LEAVITT**
15 **UNITED STATES MAGISTRATE JUDGE**
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